

HEARING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
APPLICATION FOR CERTIFICATION )  
FOR THE DELTA ENERGY CENTER ) DOCKET NO. 98-AFC-3  
(CALPINE CORPORATION AND BECHTEL )  
ENTERPRISES, INC. )  
\_\_\_\_\_ )

CALIFORNIA ENERGY COMMISSION  
FIRST FLOOR HEARING ROOM B  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

THURSDAY, JANUARY 13, 2000

4:00 P.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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COMMITTEE MEMBERS PRESENT

William Keese, Chairperson, Presiding Member

STAFF PRESENT

Susan Gefter, Hearing Officer

Major Williams, Hearing Officer

Cynthia Praul, Adviser to Chairperson Keese

Ellie Townsend-Smith, Adviser to Commissioner Pernell

Dick Ratliff, Senior Staff Counsel

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Ms. Paulette Lagana, CAP-IT(via telephone)

Avan Gangapuram, Project Planner, City of Pittsburg  
(via telephone)

Kate Hart, Deputy City Attorney, City of Pittsburg  
(via telephone)

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1 PROCEEDINGS

2 CHAIRPERSON KEESE: I will call this meeting to  
3 order, the Committee Conference on the PMPD of Delta Energy  
4 Center, January 13th, 2000.

5 This is a committee conference to receive comments  
6 on the Presiding Member's Proposed Decision for the Delta  
7 Energy Center. The meeting is conducted in Sacramento as a  
8 teleconference so that parties may participate without having  
9 to drive to Sacramento. Parties participating by phone were  
10 able to dial a toll free number to reach us.

11 Before we begin the conference, we'd like to  
12 introduce the Committee and then ask the parties to identify  
13 themselves for the record.

14 I'm Bill Keese, Chairman of the Committee and the  
15 Commission. Commissioner Robert Pernell is ill today and  
16 will not be able to join us. My advisor Cynthia Praul is  
17 here.

18 MS. TOWNSEND-SMITH: Ellie Townsend-Smith, advisor  
19 to Commissioner Pernell.

20 CHAIRPERSON KEESE: And our hearing officers are  
21 Susan Gefter and Major Williams.

22 Now, I will ask the parties to identify themselves  
23 for the record starting with the applicant.

24 MR. BUCHANAN: This is Doug Buchanan. I'm the  
25 development manager for Delta.

1 MS. STRACHAN: I'm Susan Strachan. I'm the  
2 Environmental Project Manager for Delta.

3 CHAIRPERSON KEESE: And staff?

4 HEARING OFFICER GEFTER: Mr. Harris.

5 MR. HARRIS: Yes. Jeff Harris hired as counsel for  
6 the applicant.

7 HEARING OFFICER GEFTER: Thank you. Mr. Harris is  
8 with us by --

9 MR. CRISP: Wynnlee Crisp, CH2MHill, consultant to  
10 the applicant.

11 MR. RUBENSTEIN: Gary Rubenstein with Sierra  
12 Research, here as a consultant to the applicant.

13 HEARING OFFICER GEFTER: Mr. Harris is joining us by  
14 phone today and is not present in the room.

15 MR. HARRIS: Mr. Ellison may also be joining us at a  
16 later time and I'll announce it when he arrives.

17 HEARING OFFICER GEFTER: We were going to ask the  
18 parties who were calling us by phone to identify yourselves  
19 before you speak, because we can't see you, obviously, and  
20 the reporter needs to identify you.

21 CHAIRPERSON KEESE: I will now ask staff to identify  
22 themselves. Mr. Richins.

23 SITING PROJECT MANAGER RICHINS: Paul Richins with  
24 the staff, a project manager.

25 SENIOR STAFF COUNSEL RATLIFF: Dick Ratliff, staff

1 counsel.

2 CHAIRPERSON KEESE: And the intervenors, starting  
3 with CURE?

4 No one.

5 CAP-IT?

6 MS. LAGANA: Paulette Lagana.

7 CHAIRPERSON KEESE: Thank you. The City of Antioch?  
8 The City of Pittsburg?

9 MR. GANGAPURAM: Avan Gangapuram, City of Pittsburg,  
10 Project Planner.

11 MS. HART: Kate Hart, Deputy City Attorney.

12 CHAIRPERSON KEESE: Southern Energy?  
13 Community Health First?

14 MR. HAWKINS: Joe Hawkins and I do have a limitation  
15 of two hours. I want it on the record.

16 CHAIRPERSON KEESE: Let's hope we have a limit of  
17 two hours for all of us. Thank you, Mr. Hawkins.

18 Californians for Renewable Energy?

19 I understand Mr. Boyd will be joining us later.

20 And the agencies, the Bay Area AQMD?

21 And our public advisor is here.

22 PUBLIC ADVISER MENDONCA: Roberta Mendonca, public  
23 adviser with the Energy Commission.

24 CHAIRPERSON KEESE: And are there any additional  
25 members of the public who would like to identify themselves

1 at this time? This will not restrict your ability to  
2 participate.

3           Hearing none, the purpose of today's conference is  
4 to receive comments from the parties as well as from members  
5 of the public on the Presiding Member's Proposed Decision.  
6 The proposed decision was published on December 23rd, 1999  
7 and placed on the Commission's web site that day. Copies  
8 were also sent to all the parties and interested agencies.

9           The parties have submitted preliminary comments that  
10 were served via Email. All final comments on the proposed  
11 decision must be received by the Committee no later than 5:00  
12 p.m. on January 26th.

13           The Committee will not take testimony or receive  
14 evidence during this conference. The parties may present  
15 oral and written comments on the proposed decision and  
16 indicate the specific paragraphs, sentences and/or conditions  
17 they believe should be edited or corrected. These comments  
18 or edits must be based on the evidence of record. We remind  
19 the parties that comments are limited to discussion of the  
20 decision.

21           We will provide time at the end of each presentation  
22 for the parties to ask questions and to clarify issues. The  
23 parties may also indicate if they have objections to any of  
24 the proposed modifications. Are there any questions on the  
25 procedure?



1 MR. HAWKINS: I have a question.

2 HEARING OFFICER GEFTER: Please identify yourself.

3 MR. HAWKINS: Joe Hawkins. The proposed  
4 modifications, are you speaking of the ones where they're  
5 trying to tie in the DEC with the, what's that called, PEFD  
6 or whatever PFED or PDEF, that's what it's called?

7 CHAIRPERSON KEESE: What we're talking about here is  
8 starting with the proposed member's decision. And we have  
9 received a number of comments on it including recommendations  
10 for specific changes. That's what we'll be talking about,  
11 changes to the Presiding Member's Proposed Decision.

12 HEARING OFFICER GEFTER: This is not the proceeding  
13 in which the proposed amendments to the Pittsburgh District  
14 Energy Facility is being discussed. That is a different  
15 proceeding.

16 CHAIRPERSON KEESE: We'll begin with the applicant's  
17 presentation followed by staff and then the intervenors. I  
18 will have Ms. Gefter handle the presentations.

19 HEARING OFFICER GEFTER: First, we'd like to ask the  
20 applicant to proceed. The applicant sent a copy of their  
21 comments on the PMPD via Email and then that was then served  
22 on all the parties.

23 Before we begin, I wanted to make sure that all the  
24 intervenors have received copies of those draft comments.  
25 Has everyone received those, anyone who's on the phone?

1 MR. GANGAPURAM: Draft comments on --

2 HEARING OFFICER GEFTER: Who's speaking please?

3 MR. GANGAPURAM: Avan with the City of Pittsburg.

4 HEARING OFFICER GEFTER: Okay, Avan.

5 MR. GANGAPURAM: The draft comments, we haven't  
6 received it.

7 HEARING OFFICER GEFTER: It was Emailed to a  
8 representative of the City of Pittsburg, probably Jeff  
9 Colon's Email address.

10 MS. STRACHAN: I'd be happy to forward them to you  
11 tomorrow.

12 HEARING OFFICER GEFTER: That was Susan Strachan.

13 We're going to ask the applicant to describe,  
14 generally, what their comments are. We don't need to go  
15 through each one. Most of them are edits, changing a word or  
16 two and they're pretty self explanatory.

17 If the applicant has some general comments and if  
18 there's anything you'd like to explain particularly, we will  
19 hear from you now. Also, you do have your consultants  
20 available to answer questions if anybody -- any of the  
21 intervenors or other parties have questions.

22 MS. STRACHAN: That's correct. Generally, we  
23 thought the document was very good. Obviously, that's  
24 evident based on our minimal comments. I, to be honest,  
25 wasn't planning on going through any of them because I think

1 they are self evident. But we'd be more than happy to  
2 entertain any questions that either the Committee or any of  
3 the intervenors or members of the public may have.

4           Excuse me, let me just say, I do have one  
5 correction. The fourth comment on biological resources, the  
6 last section and the last comment on the second page, page  
7 197, second paragraph, and it also references footnote 103.  
8 Footnote 103 should be deleted. The comment is only relevant  
9 to the second paragraph on page 197. And that change would  
10 be reflected in our final comments that we submit.

11           HEARING OFFICER GEFTER: Is that the conclusion of  
12 your comments at this point?

13           MS. STRACHAN: Yeah. There wasn't any one  
14 particular one that I believe needs explaining.

15           HEARING OFFICER GEFTER: Does staff have any  
16 questions about the comments presented by the applicant?

17           SITING PROJECT MANAGER RICHINS: We've reviewed the  
18 comments and we don't have any comments on the comments.

19           HEARING OFFICER GEFTER: We'll ask the intervenors  
20 then one by one if you have had a chance to look at the  
21 comments submitted by the applicant and whether you have any  
22 questions. Here's your chance to ask questions of the  
23 applicant.

24           And first, we'd start with the City of Pittsburgh,  
25 you haven't seen these, so once you see them you'll have an

1 opportunity perhaps to, if you have any questions, to ask the  
2 applicant directly.

3 CAP-IT, Paulette Lagana, do you have any questions  
4 or comments on this list from the applicant?

5 MS. LAGANA: No, I don't.

6 HEARING OFFICER GEFTER: Joe Hawkins?

7 MR. HAWKINS: Yeah, I have one question. Is this  
8 just concerning the list on the applicant or also what the  
9 Energy Commission itself submitted?

10 HEARING OFFICER GEFTER: I'm not sure what you're  
11 discussing.

12 MR. HAWKINS: You know, the, what do you call it,  
13 the PDMDM or whatever you call it, --

14 HEARING OFFICER GEFTER: The Presiding Member's  
15 Proposed Decision, PMPD, the comments --

16 MR. HAWKINS: PMPD.

17 HEARING OFFICER GEFTER: The comments that we are  
18 discussing right now that were filed by the applicant were  
19 about the Presiding Member's Proposed Decision.

20 MR. HAWKINS: Is that what this whole thing is  
21 about, just what they filed?

22 HEARING OFFICER GEFTER: No. You may also file  
23 comments and/or make comments, but right now I'm asking  
24 whether you have any questions about their comments.

25 MR. HAWKINS: Yeah, I do. I noticed you guys

1 changed from 26 megawatts to 20 megawatts, what the DOW  
2 facility needs. Why can't they get that from the other  
3 energy facility that's been approved?

4 HEARING OFFICER GEFTER: That's a different  
5 proceeding. We're talking about this proceeding right now,  
6 but we can ask that question of the Applicant and they can  
7 answer it.

8 MS. STRACHAN: The arrangement with DOW is for the  
9 power to come from this project. The change from 26  
10 megawatts to 20 was just an error that was in the Presiding  
11 Member's Proposed Decision. All throughout the application  
12 for certification that we filed, it specifically states that  
13 we're going to sell them up to 20 megawatts of power.

14 MR. HAWKINS: Okay. And then you also bring out on  
15 Transmission System Engineering that, "Both DEC and PDEF will  
16 be connected to the grid at PG&E," and so forth. So they're  
17 basically going to be like one power plant; is that correct?

18 MS. STRACHAN: No. The electricity that's generated  
19 from both projects will be sent to the PG&E substation over  
20 by the PG&E project. And that's how the -- or excuse me, the  
21 Southern Company Power Plant. And that's how the power will  
22 get out into the State Transmission System.

23 MR. HAWKINS: All right. I'll have more questions.  
24 I just haven't gone through this whole list yet.

25 HEARING OFFICER GEFTER: Here is your opportunity to

1 ask the questions now, Joe.

2 MR. HAWKINS: Okay. What I'm noticing is, from what  
3 I've read in the paper recently, was that you guys are  
4 pulling these together and that they're going to be one --  
5 basically, one big project and you're going to tie the steam  
6 in, you're going to take the steam from the PDEF to DOW  
7 Chemical, which means why can't you just take the steam from  
8 PDEF originally, forget DEC totally?

9 And also the 20 megawatts is minimal. I mean,  
10 that's nothing. Why cannot they get that from PDEF and/or  
11 forget DEC? What's the use of even having DEC? The PDEF  
12 should supply everything that they need.

13 MR. HARRIS: This is Jeff Harris.

14 HEARING OFFICER GEFTER: Okay. Jeff, do you want to  
15 respond to that question?

16 MR. HARRIS: Well, I think I just want to state the  
17 obvious. It sounds like Mr. Hawkins is wanting to discuss a  
18 project that's not this project. And I think that gets us  
19 off track. And so we should talk about the PMPD, which is  
20 what this conference is about. I think that will solve most  
21 of these issues.

22 MR. HAWKINS: You have tied this into this project.

23 HEARING OFFICER GEFTER: Okay, who just spoke, was  
24 that Mr. Hawkins?

25 MR. HAWKINS: Yes.

1           HEARING OFFICER GEFTER: What Mr. Harris is  
2 indicating, as I indicated earlier, is that this discussion  
3 is about the Presiding Member's Proposed Decision and the  
4 Delta Energy Center. There is a separate proceeding where  
5 there is an amendment to the PDEF project and I believe  
6 that's what your question is referring to, unless there's  
7 something here in the PMPD that you believe relates to the  
8 PDEF.

9           MR. HAWKINS: I believe the PDEF and the DEC both  
10 are non -- shouldn't even be in this area due to the already  
11 existing pollution levels from the PMPD or whatever you call  
12 it, and that's the whole objective I had.

13           I gave you guys the evidence. You guys did not  
14 recalculate according to that evidence and it is ridiculous  
15 that this is even going through when it isn't needed. I mean  
16 20 megawatts is minimal.

17           HEARING OFFICER GEFTER: Okay. Do you have any  
18 specific part of the decision that you would like to see  
19 amended, but we're not there yet, okay. What we really are  
20 asking you to do is just to look at the comments that the  
21 applicant has submitted and ask any questions or tell us  
22 where you disagree. So let's try to stick to that right now,  
23 if you want to go through the comments and indicate to us  
24 where you have disagreements.

25           MR. HAWKINS: I have a disagreement on the decision,

1 the final decision, that you guys have already put down,  
2 that's why I requested that you reconsider the decision,  
3 because I just stated why.

4 HEARING OFFICER GEFTER: Okay. Why don't we move on  
5 to anyone else who might have a comment on the applicant's  
6 edits to the PMPD and then we'll allow Mr. Hawkins his  
7 opportunity to make his comments. Does staff have any  
8 comments at this point?

9 Actually, I think we've already asked you. Any  
10 other intervenor, does the City of Pittsburg, do you have any  
11 comments on the applicant's proposals?

12 MR. GANGAPURAM: Not right now.

13 HEARING OFFICER GEFTER: I don't believe there are  
14 any other intervenors on line right now, so we will actually  
15 move on to the staff's comments, if there are any available  
16 now?

17 MR. HARRIS: Ms. Gefter, I just wanted to highlight  
18 something. And it's highlighted in our comments at the very  
19 top. I just wanted folks to realize that these comments are  
20 based upon our review basically as of January 11th. And as  
21 noted in those comments, these are draft comments.  
22 Technically, there wasn't a requirement that we submit them,  
23 but we felt it would be good for everybody to let them know  
24 where we're coming from and so we went ahead and made these  
25 comments available. And we will be filing final comments by



1 January 26th and I just wanted to put that out for folks.

2 MR. HAWKINS: I also want to make sure that you guys  
3 got my Email this morning. Did everybody get that?

4 HEARING OFFICER GEFTER: Who's speaking?

5 MR. HAWKINS: Joe Hawkins.

6 HEARING OFFICER GEFTER: Yes, we did receive your  
7 comments. Thank you.

8 MS. LAGANA: CAP-IT did not receive comments.

9 HEARING OFFICER GEFTER: CAP-IT did not receive  
10 comments from Mr. Hawkins.

11 Paulette, is that you speaking?

12 MS. LAGANA: Yes.

13 HEARING OFFICER GEFTER: Okay. Identify yourself  
14 for the record.

15 MS. LAGANA: This is Paulette Lagana. I did not  
16 check Email this morning before I left my home and so I did  
17 not get the comments.

18 HEARING OFFICER GEFTER: You didn't get whose  
19 comments?

20 MS. LAGANA: Joe Hawkins' comments, but I'm sure I  
21 will get them when I get home.

22 HEARING OFFICER GEFTER: Thank you.

23 MS. LAGANA: Thank you.

24 HEARING OFFICER GEFTER: We're going to move on  
25 right now and ask staff if they have any comments on the

1 PMPD?

2 SITING PROJECT MANAGER RICHINS: The staff supports  
3 the PMPD. We're in the process of reviewing it. The general  
4 comments that we have so far are editorial in nature and all  
5 very self explanatory. It's just adding a word here or  
6 editing one way or another. We plan to file our comments on  
7 or before the 26th as requested in the order.

8 HEARING OFFICER GEFTER: Thank you. And those  
9 comments will also be served on all the parties?

10 SITING PROJECT MANAGER RICHINS: That's correct.

11 HEARING OFFICER GEFTER: Thank you. Does the City  
12 of Pittsburg have any comments on the PMPD?

13 MR. GANGAPURAM: We do have some comments, but what  
14 we are planning to do is send --

15 HEARING OFFICER GEFTER: Please identify your name,  
16 because the reporter can't see.

17 MR. GANGAPURAM: Avan Gangapuram, the City of  
18 Pittsburg. We've gone through the documents and we have some  
19 editorial comments and some clarification that is required.  
20 So we are putting together a letter and we would be  
21 transmitting it to you before January 26th.

22 HEARING OFFICER GEFTER: Thank you. And you will  
23 serve that on all the parties?

24 MR. GANGAPURAM: Yes.

25 HEARING OFFICER GEFTER: Okay. Has the City of

1 Pittsburgh found any substantive changes that you are going to  
2 recommend to us?

3 MR. GANGAPURAM: Not much, but on the traffic  
4 section, we had -- it was not clear the way it was presented,  
5 so we're trying to analyze that and we're going to make those  
6 comments available.

7 HEARING OFFICER GEFTER: Ms. Lagana for CAP-IT, do  
8 you have any comments on the PMPD that you would like to make  
9 right now?

10 MS. LAGANA: No, CAP-IT has no comments.

11 HEARING OFFICER GEFTER: Are you planning to file  
12 any in writing?

13 MS. LAGANA: We're considering it, but at this  
14 point, not at this moment, but we are considering it.

15 HEARING OFFICER GEFTER: Thank you. Mr. Hawkins,  
16 for Community Health First, we received your comments by  
17 Email this morning. If you want to go forward and give us  
18 your comments orally right now, we're available to listen.

19 MR. HAWKINS: Okay. Well, everybody else has them,  
20 right? What they could do is read through them. If they've  
21 got anything -- here I challenge everyone, including AQMDs,  
22 CEC staff, everyone to disprove the information, medical  
23 information, I gave on how to calculate the toxic air  
24 contaminants and what their effects are on the body.

25 We're talking multiple chemicals and we already have

1 this problem in this area. And so I want it disproved and I  
2 also want it refigured, because I tell you what, you guys did  
3 not do it right, even the EPA standards are not correct.  
4 Every standard is not correct and I want it fixed, because  
5 apparently this is not taking care of the public health and  
6 these are what my comments are all about.

7 CHAIRPERSON KEESE: I would ask you then, if you  
8 could, at this time, to reference the section of the proposed  
9 decision that you're referring to and what you would like to  
10 see changed.

11 MR. HAWKINS: Okay. Page 169, I would like your  
12 whole decision on the public health and so forth, on page 170  
13 all the way through 168, I would like you to take your  
14 conclusions and refigure this all out, because apparently  
15 nobody has done it correctly.

16 And you have a responsibility as an agency that is  
17 supposed to be protecting the health as you quoted in there  
18 on page 168. You quoted that it was your responsibility.  
19 You're mandated to do so, and if you're not taking this  
20 evidence and using it, then you are not protecting the  
21 public's health.

22 HEARING OFFICER GEFTER: Where, specifically, on  
23 page 169?

24 MR. HAWKINS: You've got the whole findings and  
25 conclusions section, the whole thing. I mean, they're

1 saying, yeah, we went by the regulatory agencies. Big deal.  
2 The regulatory agencies are wrong, too, according to the  
3 medical evidence, you know, that's the whole point.

4           You guys are sitting here saying "Oh, it's okay  
5 because so and so said it's okay." That's not the fact. The  
6 fact is you are a government agency. Your responsibility is  
7 to protect the health and you have to take this information  
8 and recalculate it, because it's up-to-date medical  
9 information, recalculate it and get it right.

10           CHAIRPERSON KEESE: As you're aware, we held  
11 hearings and received other testimony, and our conclusion was  
12 that, based on the weight of the evidence, we made these  
13 findings and conclusions.

14           MR. HAWKINS: That's the point, you ignored the  
15 evidence.

16           MR. HARRIS: This is Jeff Harris. I have a  
17 question. Joe, are you saying that it's not that we didn't  
18 follow the EPA standard, but you're saying the EPA standards  
19 are incorrect?

20           MR. HAWKINS: Everything is incorrect. And I gave  
21 you the evidence. Everybody ignored it. Everybody minimized  
22 it. And it's very upsetting to me and to all that are  
23 involved in this, because we all know that this is not the  
24 fact.

25           We live here. We taste this air. We smell this

1 area. We breathe it. We have to go through this day after  
2 day. We get polluted by TOSCO. I mean, you name it, we've  
3 got refineries always dumping on us. And then you guys turn  
4 around and say, "Oh, the air is fine according to the  
5 standards." These standards are written to pass EPA and the  
6 State and federal ambient air quality standards. They're not  
7 written to tell what's in our neighborhoods.

8 And you guys did not do the proper air studies for  
9 three years to show that this, in our neighborhoods, is what  
10 we're breathing. This is not -- the ambient air is the  
11 ambient air. That's outside of the industrial zones. These  
12 people live in industrial zones.

13 MR. HARRIS: This is Jeff Harris again. But just so  
14 I'm clear, Joe, I want to make sure I understand, your  
15 concern is not that we used the wrong -- we applied the right  
16 methodology, you think the methodology is incorrect?

17 MR. HAWKINS: Correct. And that's exactly what I  
18 said in my statements, too, the methodology is incorrect and  
19 I showed you the evidence. And nobody took it into  
20 consideration. Nobody is going forward and recalculating  
21 what it should be, because the way I had it understood at the  
22 air quality meeting, you guys take one chemical, you find out  
23 how many effects this one chemical does, then you take  
24 another chemical and if they overlap, you add them together.

25 That's not the way it is. It's exponential, which

1 means if you've got -- according to Dr. Golomb, which I did  
2 submit, if you've got ten chemicals and it meets a thousand  
3 different effects, which is not 30 different effects or so  
4 forth, like if there's three to each one, you're talking  
5 multiple effects and we've already got this in this area. We  
6 are one of the highest cancer rates in this area. We've  
7 already got problems, asthma galore. This place is known for  
8 allergies. Allergies is a symptom of chemical toxicity.

9 MR. RUBENSTEIN: Ms. Gefter, this is Gary Rubenstein  
10 from Sierra Research on behalf of the applicant. I have gone  
11 through Mr. Hawkins' comments as well as his prior testimony.  
12 I do not find any evidence in his testimony that indicates  
13 that the calculations are done incorrectly.

14 Joe, in terms of what you were talking about,  
15 quoting Dr. Golomb, I don't think that you're reading her  
16 comment correctly. She did not indicate in what you  
17 submitted for your evidence that the effects of multiple  
18 chemicals is an exponential effect. What she said is there's  
19 an exponential number of interactions that you have to  
20 evaluate.

21 MR. HAWKINS: And what do you call that, effects or  
22 interaction, what's the difference?

23 MR. RUBENSTEIN: The difference is that an  
24 interaction could be something where two compounds cancel  
25 each other out. They're not necessarily additive effects.

1 They're not necessarily multiplicative effects. They may be  
2 totally different.

3 MR. HAWKINS: Okay. When you have Toluene and  
4 Benzene, it's very simple, and easily both are inside what  
5 you guys are emitting, Toluene takes the place inside the  
6 process for taking out, you know, filtering out all the  
7 toxins. That means you've got benzene left over in the body  
8 being stored, because they can be filtered. So the body, it  
9 takes a lot longer for benzene to be filtered, period,  
10 because it attaches to water molecules and so forth.

11 So now, you've got all these effects that are  
12 happening and you guys are talking in multiple amounts of  
13 chemicals here coming out of these stacks. On top of that  
14 we've already -- you're saying that these stacks put out less  
15 in ambient air, which means we are already over polluted.  
16 And you guys are trying to say, "Oh, we'll we're putting out  
17 less, so it doesn't mean anything, you know." Hey, you know,  
18 it doesn't work that way. You're adding to what's already  
19 existing, and that's the main thing, even if it is less than  
20 what's in the ambient air.

21 MR. RUBENSTEIN: You made a number of comments  
22 there. Let me just summarize a couple of responses. First  
23 of all, let me restate again that I don't think that you're  
24 reading the quote you provided of Dr. Golomb's testimony  
25 correctly. She is not saying --



1 MR. HAWKINS: No, I quoted it word for word.

2 MR. RUBENSTEIN: I understand that.

3 MR. HAWKINS: She even explains it.

4 MR. RUBENSTEIN: Mr. Hawkins, can I finish, please.

5 I'm not saying you misquoted, I'm saying I believe you  
6 misinterpreted what she said, because I can read the same  
7 words and I come to a very different conclusion about what  
8 she said.

9 MR. HAWKINS: Well, you're paid to.

10 MR. RUBENSTEIN: I'm going to ignore that. The  
11 other thing that I wanted to point out is that the analyses  
12 that are presented in the Presiding Member's Proposed  
13 Decision do take into account multiple chemicals. They do  
14 not look at chemicals individually. And this was discussed  
15 extensively at the hearing that was held in November.

16 Finally, I don't think, Mr. Hawkins, you're  
17 accurately quoting what anybody said regarding the project.  
18 At least, I certainly don't recall anyone saying that the  
19 concentrations of all pollutants are less than what's in the  
20 ambient air, therefore they don't matter.

21 That comment was made about a couple of pollutants  
22 in particular, referring to whether additional control  
23 technology should be required. But as I had indicated during  
24 my testimony at the hearing, all of the additional pollution  
25 that's contributed by this project does matter and has been

1 taken into account and has been mitigated.

2 MR. HAWKINS: Your mitigation is not right there at  
3 the source and that's the problem. You've got neighborhoods  
4 right there at the source, you've got neighborhoods down five  
5 miles around the source, and the mitigation that you have is  
6 not there within the five-mile range. It's around in the  
7 area, but that's good for the ambient, but it's not good for  
8 the industrial zone where the residential are.

9 MR. RUBENSTEIN: Mr. Hawkins, I know you read the  
10 transcript of the hearing, because you made reference to it  
11 earlier. In my testimony, I don't want to restate it, I  
12 pointed out that the mitigation that we provided was  
13 effective both on a local level and on a regional level. If  
14 what you're referring to are the emission reduction credits,  
15 those reductions and that mitigation is not intended to  
16 provide local benefits. That's intended to provide regional  
17 benefits.

18 The local benefits are provided through the use of  
19 best available control technology, proper design of the  
20 facility including the stack, and ensuring through dispersion  
21 modeling analyses of the project that they will not have a  
22 significant local effect and all of those analyses have been  
23 done.

24 MR. HAWKINS: And you know what, as far as the  
25 multiple chemicals, you did not calculate them right. I

1 talked to the people at the air quality during the air  
2 quality workshop, the last one, they did not calculate it  
3 right. They explained it to me exactly how it was done. You  
4 say you calculated it right, so what. You did not calculate  
5 it right. I showed you how she says it, two to the N. That  
6 is not how you guys calculated it. That's not how any of the  
7 people, the EPA and everybody, has calculated it, that's the  
8 problem.

9 MR. RUBENSTEIN: And I disagree. I guess we can  
10 just leave it at that.

11 HEARING OFFICER GEFTER: Yeah, I think we need to  
12 move on, Mr. Hawkins. Do you have any additional comments on  
13 any other sections of the PMPD?

14 MR. HAWKINS: Yeah, I disagree with the final  
15 decision by the CEC.

16 HEARING OFFICER GEFTER: What page are you referring  
17 to?

18 MR. HAWKINS: All of the pages. I mean, your whole  
19 conclusions, everything, again for the same reasons.

20 HEARING OFFICER GEFTER: Okay. Do you have any  
21 other comments that you'd like to share?

22 MR. HAWKINS: Yeah, I also did request that we  
23 reopen the hearing and let me question their health expert.  
24 And that was in my comments, I requested it, and I would  
25 appreciate it very much if it was so. If not, we'll take it

1 from there.

2 HEARING OFFICER GEFTER: Well, that motion was  
3 previously denied.

4 MR. HAWKINS: And I'm requesting it again.

5 HEARING OFFICER GEFTER: Anything else?

6 Okay, we're going to move on then. Would other  
7 parties like to comment on Mr. Hawkins' comments? The  
8 applicant has already engaged in discussion with Mr. Hawkins.  
9 Does staff have any comments?

10 Do any of the intervenors who are on the phone, City  
11 of Pittsburg?

12 MR. GANGAPURAM: No.

13 HEARING OFFICER GEFTER: Ms. Lagana for CAP-IT?

14 MS. LAGANA: No.

15 HEARING OFFICER GEFTER: Okay. We understand that  
16 Mr. Boyd for Californian's For Renewable Energy wanted to  
17 participate. I understand the Public Adviser is going to  
18 call him.

19 PUBLIC ADVISER MENDONCA: I believe Mr. Boyd  
20 submitted a list of pages that he planned to comment on. On  
21 the introduction, page 2 to 3; alternatives, pages 19 to 34;  
22 air quality, pages 105 to 122; public health, pages 159 to  
23 169; biological resources, pages 194 to 195; socioeconomics,  
24 pages 310 to 323 and the conclusions.

25 I could go make a telephone call and attempt to

1 reach him right now. I have two numbers where I can try to  
2 reach him.

3 HEARING OFFICER GEFTER: Okay. We'll recess for a  
4 few minutes and let us know whether you've made contact with  
5 him.

6 PUBLIC ADVISER MENDONCA: All right, thank you.

7 CHAIRPERSON KEESE: It is my intention to allow Mr.  
8 Boyd to participate if he can participate promptly. He will  
9 have the opportunity to submit statements in writing should  
10 he not be able to participate at this time. And I'm looking  
11 at a clock here, if he's -- at our clock, which suggests it's  
12 4:40. If he's not prepared to participate by 4:45, we will  
13 adjourn this hearing.

14 MR. HAWKINS: I have one more comment.

15 CHAIRPERSON KEESE: Ms. Mendonca will make the phone  
16 call.

17 Go ahead, identify yourself, please.

18 MR. HAWKINS: Joe Hawkins. Also on environmental  
19 issues, I know that the City of Pittsburg, the Pittsburg  
20 District -- or not the City, but the school district,  
21 Pittsburg Unified School District has declared or requested  
22 that this be made an Environmental Justice Community. I also  
23 quoted, under evidence and in this evidence, which is being  
24 ignored, the fact that Martinez County, what do you call it,  
25 the industrial waste management district has also declared

1 that this is an Environmental Justice Community and it was in  
2 a newspaper article as such.

3 And we're sitting here, you know -- I mean, that  
4 this is even being allowed is beyond me. This is what gets  
5 me. You guys don't need it. You've got the other power  
6 plants. It can supply all the needs of both those big  
7 industries. Why is this even being allowed?

8 HEARING OFFICER GEFTER: Okay. We have your  
9 comments where you quoted that article. And again that --  
10 what we have in the record is the resolution from the school  
11 district requesting the EPA to find the school district an  
12 environmental justice community. The rest of this is not  
13 part of the evidence that's in the record.

14 MR. HAWKINS: I sent that in before.

15 HEARING OFFICER GEFTER: We're going to go off the  
16 record now.

17 (Thereupon a brief recess was taken.)

18 CHAIRPERSON KEESE: Back on the record. It is now  
19 12 minutes to 5:00. We have attempted to reach Mr. Boyd and  
20 have not been able to. So at this time, we are going to  
21 close this hearing.

22 Ms. Mendonca, would you give us a report, please.

23 PUBLIC ADVISER MENDONCA: Yes. I adjourned for a  
24 moment to the telephone to reach Michael Boyd who indicated  
25 he wanted to comment today. And I called a cell phone, a

1 home phone and a business number and left messages, but was  
2 not able to connect with Mr. Boyd.

3 CHAIRPERSON KEESE: Thank you. The Committee will  
4 submit the proposed decision to the full Commission for  
5 consideration at the February 9th business meeting. We will  
6 include a list of clarifications and errata based on today's  
7 instructions, based on today's discussions, as well as any  
8 additional comments that we may receive by January 26th. So  
9 everybody is welcome to submit additional comments by January  
10 26th.

11 Are there any additional questions?

12 HEARING OFFICER GEFTER: From anyone on the phone?

13 MR. HAWKINS: I pretty much said what I have to say.

14 HEARING OFFICER GEFTER: Who's speaking?

15 MR. HAWKINS: Joe.

16 CHAIRPERSON KEESE: Thank you, Joe.

17 MS. LAGANA: Paulette Lagana with CAP-IT, I have no  
18 comments.

19 CHAIRPERSON KEESE: Thank you for your  
20 participation. This conference is adjourned.

21 (Thereupon the PDPM conference was adjourned  
22 at 4:50 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand Reporter  
3 of the State of California, and Registered Professional  
4 Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Energy Resources Conservation and  
7 Development Commission hearing was reported in shorthand by  
8 me, James F. Peters, a Certified Shorthand Reporter of the  
9 State of California, and thereafter transcribed into  
10 typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said hearing nor in any  
13 way interested in the outcome of said hearing.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 18th day of January, 2000.

16

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